

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

DORA L. ADKINS,

Plaintiff,

v.

FITNESS INTERNATIONAL, LLC,

Defendant.

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1:22-cv-1130 (PTG/WEF)

ORDER

This matter comes before the Court on the Report and Recommendation (“R&R”) from Magistrate Judge William E. Fitzpatrick regarding Plaintiff’s Motion for Leave from the Court to File an Emergency Complaint (“Motion for Leave”) (Dkt. 1) and an Application to Proceed in District Court Without Prepaying Costs or Fees (“IFP Application”) (Dkt. 2). On October 20, 2022, Judge Fitzpatrick issued a Report and Recommendation regarding Plaintiff’s Motion for Leave and IFP Application, recommending the Court deny the motion and application. Dkt. 3.

When reviewing a magistrate judge’s Report and Recommendation, the Court must make a *de novo* determination of those portions of the R&R to which objections, if any, are made. Fed. R. Civ. P. 72(b); 28 U.S.C. § 636(b)(1)(C). The Court is authorized to accept, reject, or modify, in whole or in part, the recommendations made by the magistrate judge. *Id.*

“[O]bjections must be specific and particularized in order to direct the attention of the district court to ‘only those issues that remain in dispute after the magistrate judge has made findings and recommendations.’” *United States v. Kotzev*, No. 1:18-cv-1409, 2020 WL 1217153, at *3 (E.D. Va. Mar. 11, 2020) (quoting *United States v. Midgette*, 478 F.3d 616, 621 (4th Cir. 2007)).

In this case, Plaintiff has timely objected to Judge Fitzpatrick’s R&R in two separate

filings (Dkts. 4, 5). These objections essentially reiterate Plaintiff's claims of food and/or chemical poisoning stated in her original Motion for Leave. *See, e.g.*, Dkt. 4 at 2; Dkt. 5 at 2. Simply restating a previously made argument does not satisfy the specificity requirement of objections. *Abou-Hussein v. Mabus*, D.S.C. No. 2:09-1988, 2010 WL 4340935, at *1 (D.S.C. Oct. 28, 2010), *aff'd*, 414 Fed. Appx. 518 (4th Cir. 2011).

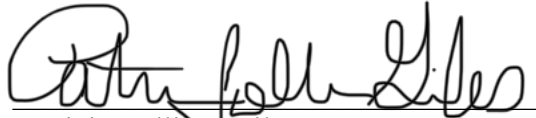
After reviewing the record and the objections to the R&R, and having made *de novo* determinations with respect thereto, the Court hereby **OVERRULES** Plaintiff's objections, and **APPROVES** and **ADOPTS IN FULL** the findings Judge Fitzpatrick set forth in the R&R (Dkt. 3). Accordingly, it is

ORDERED that Plaintiff's Motion for Leave (Dkt. 1) and IFP Application (Dkt. 2) are **DENIED**. It is further

ORDERED that this matter be and is DISMISSED WITH PREJUDICE.

It is **SO ORDERED**.

Dated: December 16, 2022


Patricia Tolliver Giles
United States District Judge